

REMARKS

This Amendment is submitted in response to the Office Action dated October 5, 2005, within the three-month period for reply extending to January 5, 2005. The status of the claims is summarized below.

Claims 1, 11, 19, 20, 21, 29, and 30 are currently amended.

Claims 2-4, 6-10, 12-13 and 22-25 are pending as originally submitted.

Claims 5, 14-18, 26-28, and 31-41 have been cancelled.

Claims 42 and 43 have been added.

Claims 1-30 and 42-43 are pending after entry of this Amendment.

Rejections under 35 U.S.C. § 112

In the claimed invention a map is generated of different films on a substrate such as dielectric layers via the optical sensor and conductive layers via the inductive sensor. As amended, claims 1, 11, and 21 describe scanning along a path at a plurality of points such that substantially an entire layer of a substrate may be analyzed and graphically displayed.

Rejections under 35 U.S.C. § 102(e)

Claims 1-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication 2005/0042975 ("David"). David provides a CMP apparatus with in-situ measurement through an optical measurement. Because of the measurement device is integrated in the CMP apparatus it can only obtain measurements at a fixed point (i.e., at the window in the pad) below a rotating substrate. The sequence of measurement produces a scanning path as shown in Figures 2a-2d of David. The measurement provided in David is taken at one location and does not create a path covering substantially an entire surface of the substrate as recited in claims 1, 11, and 21, as amended.

Reply to Office action of 10/05/2005

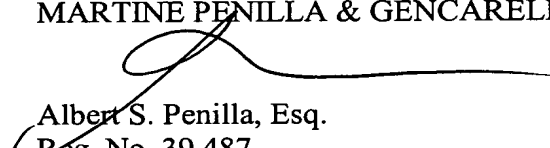
Rejections under 35 U.S.C. § 103(a)

Claims 1-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,608,495 ('495) in view of U.S. Publication 2005/0046874. While these disclosures appear to combine inductive sensors and optical sensors in one measurement device they fail to suggest a device capable of full surface mapping. These rejections are traversed.

Further, as the independent claims are submitted to be patentable, the dependent claims are submitted to be patentable for at least the same reasons.

The Applicants submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6901. Also, if any additional fees are due in connection with filing this Amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P466). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Albert S. Penilla, Esq.
Reg. No. 39,487

Martine Penilla & Gencarella, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, California 94086
Tel: (408) 749-6900
Customer Number 25920